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June 18, 2025

## **VIA ELECTRONIC FILING AND E-MAIL**

Hon. John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007
CronanNYSDChambers@nysd.uscourts.gov

Re: Jane Doe v. Fashion Institute of Technology, Case No.: 1:25-CV-00950

## Dear Judge Cronan:

We represent the Defendant, the Fashion Institute of Technology ("FIT" or "Defendant"), in the above-referenced matter. Pursuant to Rules 4.B.i. and 4.B.ii. of Your Honor's Individual Rules and Practices in Civil Cases, we respectfully submit this letter to request leave to re-file the Affidavit of Corie McCallum in Support of FIT's Motion to Dismiss ("McCallum Aff.") in redacted form. (*See* ECF No. 36).

By way of background, on March 21, 2025, Plaintiff filed a renewed motion to proceed under a pseudonym. (*See* ECF No. 20). The Court denied Plaintiff's renewed motion on April 3, 2025. (*See* ECF No. 22). On April 17, 2025, Plaintiff filed a motion for reconsideration to proceed under a pseudonym. (*See* ECF No. 24). On April 21, 2025, the Court directed Defendant to inform the Court whether it intended to disclaim any prejudice resulting from Plaintiff proceeding under a pseudonym, as asserted by Plaintiff in their papers. (*See* ECF No. 26). On April 28, 2025, FIT filed a response letter in accordance with the Court's directives. (*See* ECF No. 30). The motion for reconsideration has not yet been resolved by the Court.

On April 25, 2025, the Court granted Defendant leave to file a motion to dismiss Plaintiff's Complaint. (*See* ECF No. 29). On May 23, 2025, Defendant filed its motion to dismiss, with an accompanying memorandum of law and Corie McCallum's Affidavit in Support of Defendant's Motion to Dismiss. (*See* ECF Nos. 34-36).

After initially drafting the documents in support of Defendant's motion to dismiss with the understanding that Plaintiff's renewed motion to proceed under a pseudonym was denied, in an abundance of caution after Plaintiff filed a motion for reconsideration, Defendant went back and referred to Plaintiff as "Jane Doe" throughout its motion papers. However, it inadvertently failed to change Plaintiff's name in Paragraph 3 of the McCallum Aff. (See ECF No. 36). On June 12, 2025, Plaintiff's counsel contacted the undersigned to request that the subject affidavit be withdrawn from public view. A true and accurate copy of the email correspondence is attached hereto as **Exhibit A**. That same day, Defendant contacted the Southern District of New York ECF Help Desk and obtained a temporary seal of ECF No. 36. (See **Exhibit A**).

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Accordingly, Defendant respectfully requests that (1) ECF No. 36 be sealed from public access and (2) Defendant be granted leave to re-file the McCallum Aff. in redacted form. A proposed redacted version of the McCallum Aff., with its accompanying exhibits A-C, is attached hereto as **Exhibit B**.

As reflected in **Exhibit A**, the parties met and conferred regarding this request, in compliance with Rule 4.B.i. of Your Honor's Individual Rules. Thank you for your consideration of this matter.

Respectfully Submitted,

BOND, SCHOENECK & KING, PLLC

/s/ RKK

Rebecca K. Kimura, Esq.

cc: <u>Via Electronic Filing</u>
Abra Carole Siegel, Esq.
Lauren Israelovitch, Esq. *Attorneys for Plaintiff* 

The request is granted. The Court finds that continued sealing of Docket Number 36 is warranted under Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 120 (2d Cir. 2006), at least until the Court decides the pending motion for reconsideration. Defendant may file a redacted version of the McCallum Affidavit.

SO ORDERED June 19, 2025 New York, New York

JOHN P. CRONAN united States District Judge